



Department of Energy
National Nuclear Security Administration
Office of the General Counsel
P. O. Box 5400
Albuquerque, NM 87185



March 8, 2013

SENT VIA EMAIL

Mr. Justin Horwath
The Santa Fe Reporter
PO Box 2306
Santa Fe, NM 87504-2306

Dear Mr. Horwath:

This letter is a final response to your undated Freedom of Information Act (FOIA) request for a copy of any and all contracts between Heather A. Wilson and/or Heather Wilson and Company LCC, dating back to January 1, 2006 to the date this request is fulfilled, with the following entities:

1. Sandia National Laboratory
2. Los Alamos National Laboratory
3. Oak Ridge National Laboratory

We contacted the Sandia Site Office (SSO) and the Los Alamos Site Office (LASO), oversight for Sandia National Laboratories (SNL) and Los Alamos National Laboratory, respectively, about your request.

The SSO located the enclosed document (Contract Purchase Agreement 905171) in their offices related to your request and it is released to you in its entirety.

The SSO asked SNL to search for responsive records. SNL stated that the documents you are seeking are contained in procurement records in the possession and control of Sandia National Laboratories operated by Sandia Corporation, a wholly owned subsidiary of Lockheed Martin Corporation that is the management and operating contractor for SNL, and are therefore, not "agency records" subject to the provision of the FOIA. "Agency records" are defined as records in a federal agency's possession and control at the time of the FOIA request. However, pursuant to U.S. Department of Energy (DOE) policy, records in the possession and control of management and operation contractors and a prime contractor, such as Sandia Corporation, will be available by DOE when the contract specifically provides that such records are the property of the Government. The contract between DOE and Sandia Corporation clearly defines the records that you have requested as Sandia Corporation records and not DOE records. Accordingly, these records are also not subject to release under DOE policy. You may view Contract DE-AC04-94AL85000 at the National Nuclear Security Administration website: <http://nnsa.energy.gov/aboutus/ouoperations/apm/mosupportdept/sandiacorp>, specifically Part II, Section I (Mod 202) I-085 DEAR 970.5204-3 ACCESS TO AND OWNERSHIP OF RECORDS (DEC 2000).


The LASO located the enclosed document (LANS K with Wilson) in their offices related to your request and it is released to you in its entirety.

LASO asked LANL to search for responsive records. LANL stated that the documents you are seeking are contained in procurement records in the possession and control of Los Alamos National Laboratory operated by Los Alamos National Security, LLC (LANS) that is the management and operation contractor for LANL, and are therefore, not "agency records" subject to the provision of the FOIA. "Agency records" are defined as records in a federal agency's possession and control at the time of the FOIA request. However, pursuant to U.S. Department of Energy (DOE) policy, records in the possession and control of management and operation contractors and a prime contractor, such as LANS, will be available by DOE when the contract specifically provides that such records are the property of the Government. The contract between DOE and LANS clearly defines the records that you have requested as LANS records and not DOE records. Accordingly, these records are also not subject to release under DOE policy. Contract DE-AC52-06NA25396 can be viewed at <http://nnsa.energy.gov/aboutus/ouoperations/apm/mosupportdept/lanl>, specifically Part II, Section I (Mod 067) I-085 DEAR 970.5204-3 ACCESS TO AND OWNERSHIP OF RECORDS (JULY 2005).

There are no fees chargeable to you for processing this request.

If you have any questions concerning the processing of your request, please contact me by email at Christina.Hamblen@nnsa.doe.gov and refer to our Control Number FOIA 13-00007-H.

Sincerely,


Elizabeth L. Osheim
Deputy General Counsel

Enclosures